

REMARKS

Claims 1-16 are pending in the application. In the non-final Office Action of August 9, 2007, the Examiner made the following disposition:

- A.) Objected to the specification.
- B.) Rejected claims 7-12 and 16 under 35 U.S.C. §101.
- C.) Rejected claims 1-16 under 35 U.S.C. §102(b) as being anticipated by *Hunt* (U.S. 6,381,735).

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

- A.) Objected to the specification.

The specification has been amended as per the Examiner's request to overcome the objection.

Applicant respectfully submits the objection has been overcome and requests that it be withdrawn.

- B.) Rejection of claims 7-12 and 16 under 35 U.S.C. §101:

Claims 7-12 and 16 have been amended as per the Examiner's request to overcome the rejection.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

- C.) Rejection of claims 1-16 under 35 U.S.C. §102(b) as being anticipated by *Hunt* (U.S. 6,381,735).

Applicant respectfully disagrees with the rejection.

Independent claims 1, 7, 13, and 16 each claim subject matter relating to optimizing a program. A statistical profile of a program execution is automatically analyzed. Program code of the program is automatically optimized based on at least one of the analysis, information about at least one prior compilation of the program, and information about at least one prior optimization of the program.

This is clearly unlike *Hunt*, which fails to disclose or suggest optimizing program code. In fact, *Hunt* fails to relate to optimizing program code. Instead, *Hunt* relates to optimizing distributed computing by placing applications at various locations on a computer network. *Hunt* 23:33-35. None of the program codes of any of *Hunt*'s applications are optimized. Instead, *Hunt*

merely determines where to place the applications so that they are most effective. Further, nowhere does *Hunt* even mention optimizing program code.

Therefore, *Hunt* fails to disclose or suggest claims 1, 7, 13, and 16.

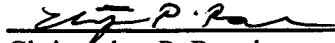
Claims 2-6, 8-12, 14, and 15 depend directly or indirectly from claims 1, 7, or 13 and are therefore allowable for at least the same reasons that claims 1, 7, and 13 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-16 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

 (Reg. No. 45,034)
Christopher P. Rauch
SONNENSCHNEIN, NATH & ROSENTHAL LLP
P.O. Box #061080
Wacker Drive Station - Sears Tower
Chicago, IL 60606-1080
Telephone 312/876-2606
Customer #26263
Attorneys for Applicant(s)